

**AN ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AMENDMENT NO. 2 TO EXTEND THE NUMBER OF DAYS FOR COMPLETION OF THE WORK UNDER THE EXPIRED CONTRACT FC-3004007825, CUSTER AVENUE CSO STORAGE AND DECHLORINATION FACILITY AGREEMENT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; TO WAIVE ARTICLE IX OF THE REAL ESTATE AND PROCUREMENT CODE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta ("City") entered into an agreement for FC-3004007825, Custer Avenue Storage and Dechlorination Facility Project with Gunter Nash, Incorporated ("Gunter Nash") on February 23, 2005; and

**WHEREAS**, the Project is required by the City's Consent Decree with the Georgia Environmental Protection Division, U.S. Environmental Protection Agency and the Upper Chattahoochee Riverkeeper; and

**WHEREAS**, the City directed the contractor to do certain additional work in order to meet the Combined Sewer Overflow ("CSO") Consent Decree requirements as provided for under the changes and extra work provisions of the Agreement; and

**WHEREAS**, in 05-R-0204 which authorized the contract with Gunther-Nash, Inc. for FC-3004007825 (the "Agreement") had an original contract term of 730 calendar days for substantial completion and 820 days for full completion of the contract; and

**WHEREAS**, the contract expired May 22, 2007 and One Hundred Ninety-Two (192) additional days are needed for completion of the project; and

**WHEREAS**, the Department of Watershed Management desires to enter into Amendment No. 2 for FC-3004007825, Custer Avenue Storage and Dechlorination Facility Project ("Project") with Gunter Nash, Inc. to extend the number of days for completion of the work by one hundred ninety two (192) days and to provide additional funding for the work on behalf of the Department of Watershed Management; and

**WHEREAS**, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommend Amendment No. 2 for FC-3004007825, Custer Avenue Storage and Dechlorination Facility Project with Gunter Nash, Inc.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS** as follows:

**Section 1.**

That the Mayor or her designee is hereby authorized to enter into Amendment No. 2 for contract FC-3004007825, Custer Avenue Storage and Dechlorination Facility Project ("Project") with Gunter Nash, Inc. on behalf of the Department of Watershed

(a) Contract Type (e.g. Professional Services, Construction Agreement, etc): Construction Services

(b) Source Selection:

(c) Bids/Proposals Due:

(d) Invitations Issued:

(e) Number of Bids:

(f) Proposals Received:

(g) Bidders/Proponents:

(h) Term of Contract:

4. Fund Account Center (*Ex. Name and number*):

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact:

7. Method of Cost Recovery:

This Legislative Request Form Was Prepared By: Willie Canidate



DEPT. OF WATERSHED MGT.

AUG -8 PM 2:43

BUREAU OF MANAGEMENT

Rec'd  
8/13/07  
NC

CITY OF ATLANTA

SHIRLEY C. FRANKLIN  
MAYOR

55 TRINITY AVENUE, SUITE 5400  
ATLANTA, GEORGIA 30335-0312  
OFFICE (404) 330-6081

DEPARTMENT OF  
WATERSHED MANAGEMENT

ROBERT J. HUNTER  
COMMISSIONER

**To:** Sheila C. Pierce, Deputy Commissioner  
Department of Watershed Management

**From:** George D. Barnes, P.E., Deputy Commissioner  
Department of Watershed Management

**Subject:** FC-3004007825, Custer Avenue CSO Storage and Dechlorination Facility

**Date:** August 2, 2007

Attached hereto are two copies of proposed Amendment Agreement No. 1 for the subject project in the amount of \$659,895.00. This amendment agreement is to provide for additional construction services required on the subject project to clean the Intr trenchment Creek CSO Tunnel. It was necessary to clean the tunnel prior to startup of operation of the Custer Avenue CSO facilities and the Intr trenchment Creek CSO Treatment Plant to meet the City's Consent Decree milestone.

The amount of the contract amendment is less than 10% of the original agreement amount and therefore, does not require City Council approval.

Funds are available 2J27 574001 Q38I02809999.

Please transmit to the Department of Procurement for issuance to bidders.

If you have any questions or need any additional information please let me know.

cc: Attachment  
Jeff Acton  
Paula Days  
Pati McMahon

BUREAU OF MANAGEMENT  
2007 AUG -6 PM 1:29  
DEPT. OF WATERSHED MGT.



## CITY OF ATLANTA

SHIRLEY FRANKLIN  
MAYOR

OFFICE OF CONTRACT COMPLIANCE  
55 TRINITY AVENUE, S.W. SUITE 1700  
ATLANTA, GEORGIA 30303  
OFFICE (404) 330-6010  
FAX (404) 658-7359

### MEMORANDUM

TO: Adam L. Smith, Chief Procurement Officer  
Department of Procurement

FROM: Hubert Owens  
Office of Contract Compliance

DATE: February 3, 2005

RE: Recommendation for FC 3004007825-04, Custer CSO Storage &  
Dechlorination Facility

The Office of Contract Compliance has evaluated two (2) bids for minority and female business enterprise participation. Both bidders are eligible under Section 2-1449(a) (2) (C) however, only one has been deemed responsive by the Office of Contract Compliance. For your information, the bidders have committed to utilizing AABE's, FBE's, HBE's, and ABE's as indicated below:

Gunther-Nash, Inc.

Environmental Pipeline Rehabilitation	AABE	17%
Georgia Pipe & Construction Supplies, Inc.	FBE	17%
Total Participation		34%

Page 2  
Adam L. Smith  
February 3, 2005

<u>GSC, Inc.</u>		
T.B. Transport, Inc.	AABE	1.8%
C&S Paving	FBE	.3%
Anatek, Inc.	FBE	2.6%
Excalibur Drilling, Inc.	FBE	.3%
Gallet & Associates, Inc.	FBE	.1%
Metro Petroleum	AABE	1.2%
Anasteel & Supply Company, LLC	FBE	2.4%
Assembly Required	AABE	4.0%
Brown's Roofing Services, Inc.	FBE	.9%
Good Success Company, Inc.	AABE	.1%
Legacy Ford Mercury, Inc.	AABE	.3%
Global Control System, Inc.	ABE	.5%
<b>Total Participation</b>		<b>14.5%</b>
<b>Non-Responsive</b>		

If you have questions, please contact me at (404) 330-6010 or Tracy Reed at (404) 330-6011.

cc: File  
Lynn Partee, DOP



CITY OF ATLANTA  
DEPT. OF PROCUREMENT

07 AUG 20 AM 11:19

SHIRLEY FRANKLIN  
MAYOR

**CITY OF ATLANTA**  
55 TRINITY AVENUE., SW, SUITE 5400, SOUTH BLDG.  
ATLANTA, GEORGIA 30303-0324  
OFFICE (404) 330-6081  
FAX (404) 658-7194

DEPARTMENT OF  
WATERSHED MANAGEMENT  
**ROBERT J. HUNTER**  
Commissioner

August 17, 2007

**TO:** Adam L. Smith, Chief Procurement Officer  
Department of Procurement

**FROM:** Robert J. Hunter, Commissioner  
Department of Watershed Management

**RE: FC-3004007825, Custer Avenue CSO Storage and Dechlorination  
AM 2**

The above referenced contract was executed on February 23, 2005 with Gunther Nash, Inc. for a period of eight hundred twenty (820) calendar days for full completion, and with a not to exceed contracted amount of \$36,036,817.00.

Amendment 1 was executed on February 5, 2007, to correct the terms of the contract.

The Department of Watershed Management is requesting assistance for the execution of Amendment 2 in the amount of \$659,895.00 to provide for additional construction services to clean the Intr trenchment Creek CSO Tunnel.

Thank you for assistance and cooperation in this matter.

RJH:SP/wc

Attachment

**C:** George Barnes, Deputy Commissioner, DWM  
Sheila Pierce, Deputy Commissioner, DWM  
Cathy Martin, Deputy Chief Procurement Officer, DOP  
Lynn Portee, Contracting Officer, DOP

Q38|8010

CONT

SHIP TO CODE 134

524001  
ACCOUNT

Q38|02809999

CENTER

DATE NEEDED

[illegible]

GUNTHER-NASH, INC

DEPARTMENT WATERSHED MANAGEMENT

CONTACT PERSON                      GEORGE BARNES

PHONE # (404) 330-6708

The undersigned certifies that funds are available at the budget adoption level for all items.

AUTHORIZED SIGNATURE

DATE \_\_\_\_\_

DOP USE ONLY

BUYER ID

FINANCE USE ONLY

DIT USE ONLY

### Computer Equipment

Approve      Disapprove

REQ. ENTERED BY

**SIGNATURE**

FAC APPROVAL

SIGNATURE

SIGNATURE

DATE \_\_\_\_\_

DATE \_\_\_\_\_

DATE \_\_\_\_\_

## LEGISLATIVE SUMMARY

**TO:** Finance Executive Committee

### **CAPTION**

**AN ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE**

**AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AMENDMENT NUMBER TWO (2) TO EXTEND THE NUMBER OF DAYS FOR COMPLETION OF THE WORK UNDER THE EXPIRED CONTRACT FC-3004007825, CUSTER AVENUE CSO STORAGE AND DECHLORINATION FACILITY AGREEMENT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; TO INCREASE THE AMOUNT OF COMPENSATION PROVIDED UNDER THE CONTRACT IN THE AMOUNT OF \$659,895.00 (SIX HUNDRED FIFTY-NINE THOUSAND, EIGHT HUNDRED NINETY-FIVE DOLLARS AND NO CENTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBERS 2J27 (2001 WATER AND WASTEWATER BOND FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38102809999 (CUSTER AVENUE STORAGE AND DECHLORINATION FACILITY); AND FOR OTHER PURPOSES.**

<b>Committee Meeting Date:</b>	<b>October 27, 2007</b>
<b>Council Meeting Date:</b>	<b>November 5, 2007</b>
<b>Legislation Title:</b>	<b>3004007825 Amendment 2</b>
<b>Requesting Dept.:</b>	<b>Watershed Management</b>
<b>Contract Type:</b>	<b>Sewer Construction Services</b>
<b>Advertisement:</b>	<b>Advertised as RFQ on December 19, 2004</b>
<b>Bids/Proposals Due:</b>	<b>February 3, 2005</b>
<b>Invitations Mailed:</b>	<b>183 potential Bidders</b>
<b>Bids/Proposals Received:</b>	<b>February 3, 2005</b>
<b>Bidders/Proponents:</b>	
<b><u>Bidders:</u></b>	
GSC Atlanta, Inc.	\$34,442,000.00
Gunther-Nash, Inc.	36,536,817.00
	(negotiated to \$36,036,817.00)
W.L. Hailey	NO BID
<b>Contractor:</b>	(Gunther-Nash, Inc. \$36,536,817.00 (negotiated to \$36,036,817.00)
<b>Estimated Value:</b>	<b>\$36,536,817.00</b>



**Scope Summary:**

This is **phased funded project** commencing on February 23, 2005. This Agreement's term was seven hundred thirty (730) days to substantial completion and eight hundred twenty (820) days till final completion. The Agreement expired on May 22, 2007.

**Background:**

Original Agreement	February 23, 2004
90 Day Extension	Term to expire extended to May 22, 2007

**Evaluation Team:**

Representatives from the Office of Contract Compliance and the Departments of Watershed Management and Procurement.

**Term of Contract:**

Original Term was February 23, 2004 to March 22, 2007. 90 Day Extension extended term to May 23, 2007.

**Fund Account Centers:**

2J27 (2001 Water & Wastewater Bond Fund)  
574001 Facilities Other Than Buildings)  
Q38I02809999 (Custer Avenue Storage and  
Dechlorination Facility).

**Prepared By:**

**Lynn Thomas Portee**

**Contact Number:**

**404-330-6109**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Department's Legislative Liaison Maisha L. Wood

Contact Number: x6887

Originating Department: Watershed Management

Committee(s) of Purview: Finance/Executive

Council Deadline: November 5, 2007

Anticipated Committee Meeting Date(s): November 13, 2007

Anticipated Full Council Date: November 19, 2007

Legislative Counsel (Signature): [Signature]

Commissioner Signature Robert J. Hunter <sup>XP</sup>

Chief Procurement Officer Signature: [Signature]

**CAPTION**

AN ORDINANCE  
BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AUTHORIZING THE MAYOR OR HER DESIGNEE TO ENTER INTO AMENDMENT NO. 2 TO EXTEND THE NUMBER OF DAYS FOR COMPLETION OF THE WORK UNDER THE EXPIRED CONTRACT FC-3004007825, CUSTER AVENUE CSO STORAGE AND DECHLORINATION FACILITY AGREEMENT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; TO INCREASE THE AMOUNT OF COMPENSATION PROVIDED UNDER THE CONTRACT IN THE AMOUNT OF \$659,895.00 (SIX HUNDRED FIFTY-NINE THOUSAND, EIGHT HUNDRED NINETY-FIVE DOLLARS AND NO CENTS; ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND ACCOUNT AND CENTER NUMBERS 2J27 (2001 WATER AND WASTEWATER BOND FUND) 574001 (FACILITIES OTHER THAN BUILDINGS) Q38I02809999 (CUSTER AVENUE STORAGE AND DECHLORINATION FACILITY); AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 10.19.07 Reviewed by: \_\_\_\_\_  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)